

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00781-JEB

BARTKO v. UNITED STATES DEPARTMENT OF JUSTICE
Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 04/27/2017
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**GREGORY BARTKO**

represented by **GREGORY BARTKO**
Reg. No. 61509-019
JESUP FEDERAL CORRECTIONAL
INSTITUTION
Federal Satellite Low
2680 Highway 301 South
Jesup, GA 31599
Email: gjbt@etcmail.com
PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**
*EXECUTIVE OFFICE OF THE UNITED
STATES ATTORNEYS*

represented by **Joshua M. Kolsky**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: joshua.kolsky@usdoj.gov
TERMINATED: 12/14/2018
LEAD ATTORNEY

Paul Cirino
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2529
Fax: (202) 252-2599
Email: paul.cirino@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES BUREAU OF
PRISONS**

represented by **Joshua M. Kolsky**
(See above for address)
TERMINATED: 12/14/2018
LEAD ATTORNEY

Paul Cirino
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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04/27/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE filed by GREGORY BARTKO. (Attachments: # <u>1</u> Civil Cover Sheet)(zrdj) (Entered: 05/03/2017)
04/27/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by GREGORY BARTKO (zrdj) (Entered: 05/03/2017)
04/27/2017	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by GREGORY BARTKO (zrdj) (Entered: 05/03/2017)
04/27/2017	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$50.00 from Prison Account of GREGORY BARTKO and granting MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Signed by Judge James E. Boasberg on 4/24/2017. (zrdj) (Entered: 05/03/2017)
04/27/2017	<u>5</u>	NOTICE OF RELATED CASE by GREGORY BARTKO. Case related to Case No. 13CV1135. (zrdj) (Entered: 05/03/2017)
04/27/2017	<u>6</u>	MOTION for CM/ECF Password by GREGORY BARTKO (zrdj) (Entered: 05/03/2017)
04/27/2017		Initiating Pleading & IFP Application Received on 4/7/2017. (zrdj) (Entered: 05/03/2017)
05/04/2017		MINUTE ORDER: The Court ORDERS that Plaintiff's <u>6</u> Motion is GRANTED, and he shall be issued a CM/ECF password upon the terms the Clerk's Office typically imposes. Signed by Judge James E. Boasberg on 5/4/2017. (lcjeb3) (Entered: 05/04/2017)
05/16/2017		Partial Filing Fee Received from GREGORY BARTKO in the amount of \$50.00, receipt number: 4616084630. (zrdj) (Entered: 05/17/2017)
05/18/2017	<u>7</u>	SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (jd) (Entered: 05/20/2017)
05/24/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/22/2017. Answer due for ALL FEDERAL DEFENDANTS by 6/21/2017. (td) (Entered: 05/26/2017)
05/24/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/22/17., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 5/22/2017; (See docket entry no. <u>8</u> to view) (td) (Entered: 05/26/2017)
06/09/2017		Partial Filing Fee Received from GREGORY BARTKO in the amount of \$50.00, receipt number: 4616085219. (zrdj) (Entered: 06/12/2017)
06/20/2017	<u>10</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Kolsky, Joshua) (Entered: 06/20/2017)
06/20/2017	<u>11</u>	MOTION for Extension of Time to <i>File Answer or Otherwise Respond to Complaint</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 06/20/2017)
06/20/2017		MINUTE ORDER granting <u>11</u> Motion for Extension of Time to File. The Court ORDERS that Defendant shall answer or otherwise respond to the Complaint by July 21, 2017. Signed by Judge James E. Boasberg on 6/20/2017. (lcjeb3) (Entered: 06/20/2017)
06/20/2017		Set/Reset Deadlines: Responses due by 7/21/2017. (nbn) (Entered: 06/20/2017)
07/11/2017		Partial Filing Fee Received from GREGORY BARTKO in the amount of \$50.00, receipt number: 4616085896. (zrdj) (Entered: 07/12/2017)
07/21/2017	<u>12</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit)(Kolsky, Joshua) (Entered: 07/21/2017)

07/24/2017		MINUTE ORDER: The Court ORDERS that each party shall submit a proposed briefing schedule by August 14, 2017. Signed by Judge James E. Boasberg on 7-24-2017. (lcjeb3) (Entered: 07/24/2017)
07/24/2017		Set/Reset Deadlines: Each party shall submit a proposed briefing schedule by 8/14/2017. (nbn) (Entered: 07/24/2017)
07/31/2017	<u>13</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit Exh 5 Postal receipt)(BARTKO, GREGORY) (Entered: 07/31/2017)
08/08/2017		Partial Filing Fee Received from GREGORY BARTKO in the amount of \$50.00, receipt number: 4616086529. (zrdj) (Entered: 08/08/2017)
08/09/2017	<u>14</u>	PROPOSED BRIEFING SCHEDULE by GREGORY BARTKO (BARTKO, GREGORY) Modified event title on 8/10/2017 (znmw). (Entered: 08/09/2017)
08/14/2017	<u>15</u>	ANSWER to <u>13</u> Amended Complaint by UNITED STATES DEPARTMENT OF JUSTICE. Related document: <u>13</u> Amended Complaint.(Kolsky, Joshua) (Entered: 08/14/2017)
08/14/2017	<u>16</u>	PROPOSED BRIEFING SCHEDULE by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 08/14/2017)
08/15/2017		MINUTE ORDER: The Court ORDERS that: 1) Defendant shall file its Motion for Summary Judgment on or before January 31, 2018; 2) Plaintiff shall file his opposition on or before March 2, 2018; and 3) Defendant shall file its reply on or before April 2, 2018. Signed by Judge James E. Boasberg on 8/15/2017. (lcjeb3) (Entered: 08/15/2017)
08/15/2017		Set/Reset Deadlines: Summary Judgment motions due by 1/31/2018. Response to Motion for Summary Judgment due by 3/2/2018. Reply to Motion for Summary Judgment due by 4/2/2018. (nbn) (Entered: 08/15/2017)
09/15/2017		Partial Filing Fee Received from Gregory Bartko in the amount of \$50.00, receipt number: 4616087170. (td) (Entered: 09/18/2017)
10/13/2017		Partial Filing Fee Received from Gregory Bartko in the amount of \$50.00, receipt number: 4616087617. (zrdj) (Entered: 10/13/2017)
10/16/2017	<u>17</u>	MOTION for Partial Summary Judgment <i>Against the Executive Office of the United States Attorneys</i> by GREGORY BARTKO (Attachments: # <u>1</u> Declaration EXH A Declaration of Gregory Bartko, # <u>2</u> Declaration Exh B Declaration of Gloria Bartko-Thomas, # <u>3</u> Statement of Facts Plaintiff's Statement of Material Facts no in Dispute)(BARTKO, GREGORY) (Entered: 10/16/2017)
10/24/2017	<u>18</u>	MOTION to Stay re <u>17</u> MOTION for Partial Summary Judgment <i>Against the Executive Office of the United States Attorneys</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 10/24/2017)
10/28/2017	<u>19</u>	RESPONSE re <u>18</u> MOTION to Stay re <u>17</u> MOTION for Partial Summary Judgment <i>Against the Executive Office of the United States Attorneys Opposition to Defendant's Motion to Stay Briefing on Plaintiff's Motion for Partial Summary Judgment</i> filed by GREGORY BARTKO. (BARTKO, GREGORY) (Entered: 10/28/2017)
11/02/2017		MINUTE ORDER: The Court ORDERS that Defendant's <u>18</u> Motion to Stay is GRANTED. So as to accomplish a more orderly briefing schedule, Defendant's opposition to Plaintiff's <u>17</u> Motion for Partial Summary Judgment shall be due on the same date as Defendant's deadline for filing its own Motion for Summary Judgment -- namely, January 31, 2018. So ORDERED by Judge James E. Boasberg on 11/2/2017. (lcjeb3,) (Entered: 11/02/2017)
11/02/2017		Set/Reset Deadlines: Motions due by 1/31/2018. (znbn) (Entered: 11/07/2017)
11/16/2017		Partial Filing Fee Received from Gregory Bartko in the amount of \$50.00, receipt number: 4616088120. (td) (Entered: 11/17/2017)

01/31/2018	<u>20</u>	MOTION to Dismiss , Cross MOTION for Summary Judgment (<i>Partial</i>) and <i>Opposition to Plaintiff's Motion for Partial Summary Judgment</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration (Tricia Francis), # <u>2</u> Declaration (Kathleen Brandon), # <u>3</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 01/31/2018)
01/31/2018	<u>21</u>	Memorandum in opposition to re <u>17</u> MOTION for Partial Summary Judgment <i>Against the Executive Office of the United States Attorneys and Motion for Partial Summary Judgment and Motion to Dismiss</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration (Tricia Francis), # <u>2</u> Declaration (Kathleen Brandon), # <u>3</u> Statement of Facts (Response), # <u>4</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 01/31/2018)
02/06/2018	<u>22</u>	MOTION to Clarify <i>Motion for Clarification of August 15, 2017 and November 2, 2017 Minute Orders</i> by GREGORY BARTKO (BARTKO, GREGORY) (Entered: 02/06/2018)
02/06/2018		MINUTE ORDER: The Court ORDERS that Plaintiff's <u>22</u> Motion for Clarification is GRANTED, and his briefing shall be due by March 2, 2018. So ORDERED by Judge James E. Boasberg on 2/6/2018. (lcjeb3) (Entered: 02/06/2018)
02/06/2018		Set/Reset Deadlines: Brief due by 3/2/2017. (nbn) (Entered: 02/06/2018)
02/19/2018	<u>23</u>	MOTION for Leave to File <i>Supplemental Complaint to Join Additional Parties–Defendant and Memo of Points and Authorities in Support</i> by GREGORY BARTKO (Attachments: # <u>1</u> Attch A: Supplemental Complaint, # <u>2</u> Exh 1: FOIA Request to USFIS dtd 12/4/17, # <u>3</u> Exh 2: FOIA Request to BOP dtd 11/29/17, # <u>4</u> Exh 3: BOP Determination dtd 12/1/17, # <u>5</u> Exh 4: Admin Appeal to OIP dtd 12/18/17, # <u>6</u> Exh 5: OIP Acknowledgement dtd 1/9/18)(BARTKO, GREGORY) (Entered: 02/19/2018)
02/27/2018	<u>24</u>	REPLY to opposition to motion re <u>17</u> MOTION for Partial Summary Judgment <i>Against the Executive Office of the United States Attorneys</i> filed by GREGORY BARTKO. (Attachments: # <u>1</u> Attch #1 EOUSA response dtd 2/14/18)(BARTKO, GREGORY) (Entered: 02/27/2018)
03/01/2018	<u>25</u>	RESPONSE re <u>20</u> MOTION to Dismiss Cross MOTION for Summary Judgment (<i>Partial</i>) and <i>Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by GREGORY BARTKO. (Attachments: # <u>1</u> Attch#1 Response to Defendant's Statement of Undisputed Material Facts, # <u>2</u> Attch#2 EOUSA letter dtd 11/5/15, # <u>3</u> Attch#3 Motion to Vacate & exhibits, # <u>4</u> Attch#4 Amendment to Motion to Vacate & exhibits, # <u>5</u> Attch#5 Bartko 1, DE 159, # <u>6</u> Attch #6 FOIA request dtd 7/26/14, # <u>7</u> Attch #7 FOIA request dtd 9/13/14)(BARTKO, GREGORY) (Entered: 03/01/2018)
03/05/2018	<u>26</u>	Memorandum in opposition to re <u>23</u> MOTION for Leave to File <i>Supplemental Complaint to Join Additional Parties–Defendant and Memo of Points and Authorities in Support</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 03/05/2018)
03/12/2018	<u>27</u>	REPLY to opposition to motion re <u>23</u> MOTION for Leave to File <i>Supplemental Complaint to Join Additional Parties–Defendant and Memo of Points and Authorities in Support</i> filed by GREGORY BARTKO. (BARTKO, GREGORY) (Entered: 03/12/2018)
03/19/2018	<u>28</u>	ORDER: The Court ORDERS: 1) Plaintiff's <u>23</u> Motion for Leave to File is GRANTED IN PART and DENIED IN PART; and 2) He may file a Supplemental Complaint naming only BOP by April 2, 2018. So ORDERED by Judge James E. Boasberg on 3/19/2018. (lcjeb3) (Entered: 03/19/2018)
03/19/2018		Set/Reset Deadlines: Plaintiff may file a Supplemental Complaint naming only BOP due by 4/2/2018. (nbn) (Entered: 03/19/2018)
03/27/2018	<u>29</u>	AMENDED COMPLAINT <i>Supplemental Complaint against the US Bureau of Prisons</i> against UNITED STATES DEPARTMENT OF JUSTICE filed by GREGORY BARTKO. (Attachments: # <u>1</u> Exh 1 FOIA request to BOP dated 11/29/17, # <u>2</u> Exh 2 BOP determination letter dated 12/1/17, # <u>3</u> Exh 3 Admin appeal of BOP FOIA to OIP dated 12/18/17, # <u>4</u> Exh 4 OIP Acknowledgement dated 1/9/18)(BARTKO, GREGORY) (Entered: 03/27/2018)

04/02/2018	<u>30</u>	REPLY to opposition to motion re <u>20</u> MOTION to Dismiss Cross MOTION for Summary Judgment (<i>Partial</i>) and <i>Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration (Second Declaration of Tricia Francis))(Kolsky, Joshua) (Entered: 04/02/2018)
04/05/2018	<u>31</u>	MOTION for Leave to File <i>Surreply and Extension of Time to File Surreply</i> by GREGORY BARTKO (BARTKO, GREGORY) (Entered: 04/05/2018)
04/09/2018	<u>32</u>	RESPONSE re <u>31</u> MOTION for Leave to File <i>Surreply and Extension of Time to File Surreply</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 04/09/2018)
04/09/2018		MINUTE ORDER: The Court ORDERS that Plaintiff's <u>31</u> Motion is GRANTED, and he may have until April 30, 2018, to file a Surreply. So ORDERED by Judge James E. Boasberg on 4/9/2018. (lcjeb3) (Entered: 04/09/2018)
04/10/2018		Set/Reset Deadlines: Surreply due by 4/30/2018. (lsj) (Entered: 04/10/2018)
04/26/2018	<u>33</u>	SURREPLY to re <u>20</u> MOTION to Dismiss Cross MOTION for Summary Judgment (<i>Partial</i>) and <i>Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by GREGORY BARTKO. (Attachments: # <u>1</u> Attch 1 EOUSA letter dtd 20915, # <u>2</u> Attch 2 Suppl habeas filing, # <u>3</u> Attch 3 Newspaper article)(BARTKO, GREGORY) (Entered: 04/26/2018)
05/07/2018	<u>34</u>	MOTION <i>Requesting Issuance and Service of Summons per Supplemental Complaint</i> by GREGORY BARTKO (BARTKO, GREGORY) Modified event and text on 5/8/2018 (td). (Entered: 05/07/2018)
05/09/2018	<u>35</u>	ERRATA by UNITED STATES DEPARTMENT OF JUSTICE <u>30</u> Reply to opposition to Motion, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration (Corrected))(Kolsky, Joshua) (Entered: 05/09/2018)
05/14/2018	<u>36</u>	MOTION TO COMPEL for Vaughn Index <i>Related to FOIA request EOUSA 2017-003456</i> by GREGORY BARTKO (Attachments: # <u>1</u> Attach 1 EOUSA determination letter 05012018)(BARTKO, GREGORY) Modified event and text on 5/15/2018 (ztd). (Entered: 05/14/2018)
05/21/2018	<u>37</u>	RESPONSE re <u>34</u> MOTION to Issue Summons filed by UNITED STATES DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 05/21/2018)
05/22/2018		MINUTE ORDER: The Court ORDERS that Plaintiff's <u>34</u> Motion is GRANTED, and the Clerk shall direct the USMS to effect service on Defendant Bureau of Prisons. So ORDERED by Judge James E. Boasberg on 5/22/2018. (lcjeb3) (Entered: 05/22/2018)
05/29/2018	<u>38</u>	Memorandum in opposition to re <u>36</u> MOTION to Compel filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 05/29/2018)
06/04/2018	<u>39</u>	REPLY to opposition to motion re <u>36</u> MOTION to Compel <i>EOUSA to Provide Vaughn Index related to FOIA Request EOUSA 2017-003456</i> filed by GREGORY BARTKO. (BARTKO, GREGORY) (Entered: 06/04/2018)
06/12/2018	<u>40</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Amended Complaint Executed. UNITED STATES BUREAU OF PRISONS served on 6/11/2018 (ztd) (Entered: 06/19/2018)
07/11/2018	<u>41</u>	ANSWER to <u>13</u> Amended Complaint (<i>Answer to Supplemental Complaint, ECF No. 29</i>) by UNITED STATES BUREAU OF PRISONS.(Kolsky, Joshua) (Entered: 07/11/2018)
07/23/2018	<u>42</u>	RETURN OF SERVICE/AFFIDAVIT of Supplemental Complaint Executed. UNITED STATES BUREAU OF PRISONS served on 7/23/2018 (ztd) (Entered: 07/24/2018)
07/31/2018		MINUTE ORDER: The Court ORDERS that: 1) Plaintiff's <u>36</u> Motion to Compel is DENIED inasmuch as Defendant EOUSA shall provide its Vaughn Index in connection with summary-judgment briefing on Request No. 2017-3456; 2) Briefing on that request shall be incorporated in the briefing related to the allegations against

		BOP; and 3) The parties shall separately submit a proposed briefing schedule on both of these issues by August 21, 2018. So ORDERED by Judge James E. Boasberg on 7/31/18. (lcjeb1) (Entered: 07/31/2018)
07/31/2018	<u>43</u>	MOTION for Partial Summary Judgment <i>Against US Bureau of Prisons</i> by GREGORY BARTKO (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit Exh B Hollenbeck sworn statement)(BARTKO, GREGORY) (Entered: 07/31/2018)
07/31/2018		Set/Reset Deadlines: The parties shall separately submit a Proposed Briefing Schedule by 8/21/2018. (znbn) (Entered: 07/31/2018)
08/02/2018		MINUTE ORDER: Given that EOUSA has now completed its search and production related to Request No. 2017-3456, the Court ORDERS that Plaintiff's <u>17</u> Motion for Partial Summary Judgment, which requested that the Court order such processing to occur, is DENIED as moot. The sufficiency of the search and production will be the subject of the briefing discussed in the Minute Order of July 31, 2018. So ORDERED by Judge James E. Boasberg on 8/2/2018.(lcjeb2) (Entered: 08/02/2018)
08/14/2018	<u>44</u>	MOTION to Stay re <u>43</u> MOTION for Partial Summary Judgment <i>Against US Bureau of Prisons</i> by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 08/14/2018)
08/14/2018		MINUTE ORDER: The Court GRANTS Defendant Bureau of Prisons's <u>44</u> Motion to Stay and ORDERS that briefing on Plaintiff's Motion for Partial Summary Judgment against BOP is STAYED. So ORDERED by Judge James E. Boasberg on 8/14/18. (lcjeb1) (Entered: 08/14/2018)
08/19/2018	<u>45</u>	RESPONSE re <u>44</u> MOTION to Stay re <u>43</u> MOTION for Partial Summary Judgment <i>Against US Bureau of Prisons</i> filed by GREGORY BARTKO. (BARTKO, GREGORY) (Entered: 08/19/2018)
08/19/2018	<u>46</u>	PROPOSED BRIEFING SCHEDULE by GREGORY BARTKO (BARTKO, GREGORY) Modified event title on 8/21/2018 (znmw). (Entered: 08/19/2018)
08/21/2018	<u>47</u>	PROPOSED BRIEFING SCHEDULE by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 08/21/2018)
08/24/2018		MINUTE ORDER: The Court ORDERS that: 1) Plaintiff's <u>43</u> Motion for Partial Summary Judgment is DENIED WITHOUT PREJUDICE as moot given the following combined briefing schedule; and 2) Defendant's Motion for Summary Judgment as to BOP and Request 2017-3456 shall be due by October 10, 2018, with Plaintiff's combined Opposition and Cross-Motion due November 9, 2018, Defendant's combined Opposition and Reply due December 10, 2018, and Plaintiff's Reply due December 31, 2018. So ORDERED by Judge James E. Boasberg on 8/24/2018. (lcjeb1) (Entered: 08/24/2018)
08/24/2018		Set/Reset Deadlines: Summary Judgment motions due by 10/10/2018. Response to Motion for Summary Judgment due by 11/9/2018. Reply to Motion for Summary Judgment due by 12/10/2018. Replies due by 12/31/2018. (znbn) (Entered: 08/24/2018)
09/04/2018		MINUTE ORDER: The Court ORDERS that by September 6, 2018, the Government shall produce <i>in camera</i> document OPR-22(a). So ORDERED by Judge James E. Boasberg on 9/4/2018. (lcjeb3) (Entered: 09/04/2018)
09/04/2018		Set/Reset Deadlines: Government's in-camera submission due by 9/6/2018. (lsj) (Entered: 09/04/2018)
09/06/2018	<u>48</u>	NOTICE of Lodging of Document for In Camera Review by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Kolsky, Joshua) (Entered: 09/06/2018)
09/25/2018	<u>49</u>	ORDER: For the reasons set forth in the accompanying Memorandum Opinion, the Court ORDERS that: 1) Defendant's <u>20</u> Cross-Motion for Partial Summary Judgment is GRANTED IN PART and DENIED IN PART as to Count II, and DENIED IN PART as to Count III; 2) Defendant's <u>20</u> Motion to Dismiss Count IV is GRANTED;

		3) By October 19, 2018, each party shall submit a status report explaining how it wishes to proceed with the issues still outstanding that relate to the accompanying Memorandum Opinion. Signed by Judge James E. Boasberg on 9/25/2018. (lcjeb3) (Entered: 09/25/2018)
09/25/2018	<u>50</u>	MEMORANDUM OPINION re <u>49</u> Order on Motion to Dismiss and for Partial Summary Judgment. Signed by Judge James E. Boasberg on 9/25/2018. (lcjeb3) (Entered: 09/25/2018)
10/09/2018	<u>51</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 10/09/2018)
10/10/2018		MINUTE ORDER GRANTING <u>51</u> Motion for Extension of Time to File. The Court ORDERS that: 1) Defendants shall file their Motion for Summary Judgment by October 24, 2018; 2) Plaintiff shall file his combined Opposition and Cross-Motion by November 26, 2018; 3) Defendants shall file their combined Opposition and Reply by December 24, 2018; and 4) Plaintiff shall file his Reply by January 14, 2019. So ORDERED by Judge James E. Boasberg on 10/10/2018. (lcjeb3) (Entered: 10/10/2018)
10/10/2018		Set/Reset Deadlines: Summary Judgment motions due by 10/24/2018. Response to Motion for Summary Judgment due by 11/26/2018. Reply to Motion for Summary Judgment due by 12/24/2018. Replies due by 1/14/2019. (znbn) (Entered: 10/10/2018)
10/15/2018	<u>52</u>	STATUS REPORT by GREGORY BARTKO. (BARTKO, GREGORY) (Entered: 10/15/2018)
10/19/2018	<u>53</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 10/19/2018)
10/22/2018		MINUTE ORDER: Per Defendant Executive Office of United States Attorneys' <u>53</u> Status Report, the Court ORDERS that Defendant EOUSA file a status report by December 18, 2018, addressing 1) Whether Defendant intends to release documents OPR-17(a), OPR-18(a), OPR-18(b), OPR-18(c), OPR-18(d), OPR-18(e), OPR-18(g), OPR-18(h), OPR-20(a), OPR-21(a), OPR-22(a), OPR-23(b), and OPR-Unnumbered and, if not, a proposed schedule for a renewed motion for summary judgment as to those documents; 2) Whether any issues remain in dispute as to documents OPR-12, OPR-13, OPR-14, OPR-15, OPR-16, OPR-17, OPR-19, OPR-20, OPR-21, OPR-22, OPR-23, OPR-23(a), and OPR-24, and, if so, a proposed schedule for a renewed motion for summary judgment as to those documents; and 3) Whether any issues remain in dispute as to fees related to request number 2014-486 and, if so, a proposed schedule for briefing the fee issue. So ORDERED by Judge James E. Boasberg on 10/22/2018. (lcjeb3) (Entered: 10/22/2018)
10/22/2018		Set/Reset Deadlines: Joint Status Report due by 12/18/2018. (znbn) (Entered: 10/23/2018)
10/24/2018	<u>54</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 10/24/2018)
10/24/2018		MINUTE ORDER GRANTING <u>54</u> Motion for Extension of Time to File Motion for Summary Judgment. The Court ORDERS that: 1) Defendants shall file their Motion for Summary Judgment as to BOP and Request 2017-3456 by October 31, 2018; 2) Plaintiff shall file his combined Opposition and Cross-Motion by December 3, 2018; 3) Defendants shall file their Combined Opposition and Reply by December 31, 2018; and 4) Plaintiff shall file his Reply by January 21, 2019. So ORDERED by Judge James E. Boasberg on 10/24/2018. (lcjeb3) (Entered: 10/24/2018)
10/24/2018		Set/Reset Deadlines: Summary Judgment motions due by 10/31/2018. Response to Motion for Summary Judgment due by 12/3/2018. Reply to Motion for Summary Judgment due by 12/31/2018. Replies due by 1/21/2019. (znbn) (Entered: 10/25/2018)
10/31/2018	<u>55</u>	MOTION for Partial Summary Judgment by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration (Francis), # <u>3</u> Declaration (Ontjes), # <u>4</u> Declaration

		(Richardson))(Kolsky, Joshua) (Entered: 10/31/2018)
11/01/2018	<u>56</u>	ORDER DIRECTING Plaintiff to respond to Defendants' <u>55</u> Motion for Summary Judgment by December 3, 2018. Signed by Judge James E. Boasberg on 11/1/2018. (lcjeb3) (Entered: 11/01/2018)
11/01/2018		Set/Reset Deadlines: Responses due by 12/3/2018. (znbn) (Entered: 11/01/2018)
12/03/2018	<u>57</u>	RESPONSE re <u>55</u> MOTION for Partial Summary Judgment filed by GREGORY BARTKO. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit A Emails, # <u>3</u> Exhibit B Bragdon emails)(BARTKO, GREGORY) (Entered: 12/03/2018)
12/03/2018	<u>58</u>	Cross MOTION for Partial Summary Judgment <i>on Plaintiff Request for Waiver of Fees by the EOUSA</i> by GREGORY BARTKO (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exh A EOUSA letter 110218, # <u>3</u> Exh B EOUSA FOIA request 91913, # <u>4</u> Exh C Letter to EOUSA FOIA 110813, # <u>5</u> Exh D EOUSA FOIA response 121213, # <u>6</u> Exh E EOUSA FOIA response 40114, # <u>7</u> Exh F Letter from EOUSA 51914, # <u>8</u> Exh G Letter from EOUSA 52014, # <u>9</u> Exh H FOIA request to EOUSA 72614, # <u>10</u> Exh I FOIA appeal to OIP 42714, # <u>11</u> Exh J Letter from OIP 52314, # <u>12</u> Exh K Letter from OIP 60614)(BARTKO, GREGORY) (Entered: 12/03/2018)
12/14/2018	<u>59</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/14/2018)
12/17/2018	<u>60</u>	MOTION for Extension of Time to File Response/Reply as to <u>58</u> Cross MOTION for Partial Summary Judgment <i>on Plaintiff Request for Waiver of Fees by the EOUSA</i> by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 12/17/2018)
12/18/2018		MINUTE ORDER GRANTING <u>60</u> Motion for Extension of Time to File. The Court ORDERS that Defendants shall file their response to Plaintiff's cross-motion for partial summary judgment by January 31, 2019. So ORDERED by Judge James E. Boasberg on 12/18/2018. (lcjeb3) (Entered: 12/18/2018)
12/18/2018	<u>61</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Cirino, Paul) (Entered: 12/18/2018)
12/19/2018		MINUTE ORDER ADOPTING the proposed schedules in Defendant's <u>61</u> status report. The Court ORDERS that, as to Request No. 2015-759, 1) Defendant EOUSA shall file its renewed motion for summary judgment by February 18, 2019; 2) Plaintiff shall file his opposition and cross-motion for summary judgment if any by March 20, 2019; 3) Defendant shall file its reply in support of its renewed motion and its opposition to Plaintiff's cross-motion by April 19, 2019; and 4) Plaintiff shall file his reply in support of his cross-motion if any by May 20, 2019. The Court ORDERS that, as to Request No. 2014-486, 1) Defendant EOUSA shall file its opposition to Plaintiff's motion for summary judgment and its cross-motion for summary judgment by January 31, 2019; 2) Plaintiff shall file his reply in support of his motion and his opposition to Defendant's cross-motion by March 4, 2019; and 3) Defendant shall file its reply in support of its cross-motion by April 3, 2019. So ORDERED by Judge James E. Boasberg on 12/19/2018. (lcjeb3) (Entered: 12/19/2018)
12/19/2018		Set/Reset Deadlines: Summary Judgment motions due by 2/18/2019. Response to Motion for Summary Judgment due by 3/20/2019. Reply to Motion for Summary Judgment due by 4/19/2019. (znbn) (Entered: 12/19/2018)
12/31/2018	<u>62</u>	MOTION to Stay <i>In Light of Lapse In Appropriations</i> by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Cirino, Paul) (Entered: 12/31/2018)
01/02/2019		MINUTE ORDER GRANTING <u>62</u> Motion to Stay. So ORDERED by Judge James E. Boasberg on 1/2/2019. (lcjeb1) (Entered: 01/02/2019)
01/28/2019	<u>63</u>	NOTICE of Change of Address by GREGORY BARTKO (BARTKO, GREGORY) (Entered: 01/28/2019)

01/31/2019	<u>64</u>	MOTION to Extend Deadlines by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) Modified relief on 2/5/2019 (ztd). (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER: The Court ORDERS that Defendants' <u>64</u> Motion for Extension of Time to File is GRANTED and that the following schedule shall govern proceedings. With respect to Plaintiff's claims against BOP and against EOUSA regarding Request No. 2014-3456 and the waiver of fees as to Request No. 2014-486, the Court ORDERS that: 1) EOUSA shall file its Opposition to Plaintiff's Motion for Summary Judgment and Cross-Motion for Summary Judgment by March 18, 2019; 2) Plaintiff shall file his Reply in Support of his Motion and Opposition to EOUSA's Cross-Motion by April 18, 2019; and 3) EOUSA shall file its Reply in Support of its Cross-Motion by May 20, 2019. With respect to Plaintiff's claims against EOUSA regarding Request No. 2015-759, the Court ORDERS that: 1) EOUSA shall file its Renewed Motion for Summary Judgment by April 4, 2019; 2) Plaintiff shall file his Opposition to EOUSA's Renewed Motion and his Cross-Motion for Summary Judgment by May 4, 2019; 3) EOUSA shall file its Reply in Support of its Renewed Motion and Opposition to Plaintiff's Cross-Motion by June 3, 2019; and 4) Plaintiff shall file his Reply in Support of his Cross-Motion by July 5, 2019. Signed by Judge James E. Boasberg on 2/1/2019. (lcjeb3) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Summary Judgment motions due by 4/4/2019. Response to Motion for Summary Judgment due by 5/4/2019. Reply to Motion for Summary Judgment due by 6/3/2019. Replies due by 7/5/2019. (znbn) (Entered: 02/01/2019)
02/01/2019		Set/Reset Deadlines: Cross Motions due by 3/18/2019. Response to Cross Motions due by 4/18/2019. Reply to Cross Motions due by 5/20/2019. (znbn) (Entered: 02/04/2019)
03/06/2019		MINUTE ORDER: The Court ORDERS that the Government shall provide for <i>in camera</i> inspection by March 11, 2019, the 43 pages withheld in full that are mentioned in its <u>55</u> Statement of Undisputed Material Facts at paragraph 7. So ORDERED by Judge James E. Boasberg on 3/6/2019. (lcjeb3) (Entered: 03/06/2019)
03/06/2019		Set/Reset Deadlines: In-Camera Submission due by 3/11/2019. (znbn) (Entered: 03/06/2019)
03/18/2019	<u>65</u>	REPLY to opposition to motion re <u>55</u> MOTION for Partial Summary Judgment filed by UNITED STATES BUREAU OF PRISONS, UNITED STATES DEPARTMENT OF JUSTICE. (Cirino, Paul) (Entered: 03/18/2019)
03/18/2019	<u>66</u>	Cross MOTION for Partial Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Response to Plaintiff's Statement of Facts, # <u>4</u> Text of Proposed Order)(Cirino, Paul) Modified event title on 3/19/2019 (znmw). (Entered: 03/18/2019)
03/18/2019	<u>67</u>	RESPONSE re <u>58</u> Cross MOTION for Partial Summary Judgment <i>on Plaintiff Request for Waiver of Fees by the EOUSA (Duplicate Entry)</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Response to Plaintiff's Statement of Facts, # <u>4</u> Text of Proposed Order)(Cirino, Paul) (Entered: 03/18/2019)
04/03/2019	<u>68</u>	RESPONSE re <u>66</u> Cross MOTION for Partial Summary Judgment filed by GREGORY BARTKO. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit #1 OPR letter dated 9/10/14, # <u>3</u> Exhibit #2 EOUSA letter dated 2/9/15, # <u>4</u> Exhibit #3 OPR referral dated 9/12/14, # <u>5</u> Exhibit #4 Excerpts from DE 156-1 & 156-3, # <u>6</u> Exhibit #5 EOUSA letter dated 2/5/15, # <u>7</u> Exhibit #6 Bartko EOUSA FOIA request 9/13/14, # <u>8</u> Exhibit #7 EOUSA letter dated 10/15/14, # <u>9</u> Exhibit #8 EOUSA letter dated 11/2/18, # <u>10</u> Exhibit #9 Bartko 11/11/14 appeal to OIP, # <u>11</u> Exhibit #10 OIP letter dated 12/1/14, # <u>12</u> Exhibit #11 Bartko 2/20/15 letter to EOUSA, # <u>13</u> Exhibit #12 OIP letter dated 8/25/15, # <u>14</u> Response to EOUSA statement of undisputed facts)(BARTKO, GREGORY) (Entered: 04/03/2019)
04/03/2019	<u>69</u>	REPLY to opposition to motion re <u>58</u> Cross MOTION for Partial Summary Judgment <i>on Plaintiff Request for Waiver of Fees by the EOUSA</i> filed by GREGORY BARTKO. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit #1 OPR letter dated 9/10/14, # <u>3</u> Exhibit #2 EOUSA letter dated 2/9/15, # <u>4</u> Exhibit #3 OPR referral to EOUSA dated 9/12/14, # <u>5</u> Exhibit #4 Excerpts from DE 156-1 & 156-3, # <u>6</u> Exhibit #5 EOUSA

		letter dated 2/5/15, # <u>7</u> Exhibit #6 Bartko EOUSA FOIA request dated 9/13/14, # <u>8</u> Exhibit #7 EOUSA letter dated 10/15/14, # <u>9</u> Exhibit #8 EOUSA letter dated 11/2/18, # <u>10</u> Exhibit #9 Bartko appeal to OIP dated 11/11/14, # <u>11</u> Exhibit #10 OIP letter dated 12/1/14, # <u>12</u> Exhibit #11 Bartko letter to EOUSA dated 2/20/15, # <u>13</u> Exhibit #12 OIP letter dated 8/25/15)(BARTKO, GREGORY) (Entered: 04/03/2019)
04/04/2019	<u>70</u>	MOTION for Partial Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration (Third) of Tricia Francis, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Cirino, Paul) (Entered: 04/04/2019)
04/05/2019	<u>71</u>	ENTERED IN ERROR.....ORDER DIRECTING Plaintiff to respond to Defendant U.S. Department of Justice's <u>70</u> Motion for Partial Summary Judgment no later than April 26, 2019. Signed by Judge James E. Boasberg on 4/5/2019. (lcjeb3) Modified on 4/5/2019 (znbn). (Entered: 04/05/2019)
04/05/2019		NOTICE OF CORRECTED DOCKET ENTRY: <u>71</u> was entered in error. (znbn) (Entered: 04/05/2019)
04/05/2019		Set/Reset Deadlines: Responses due by 4/26/2019. (znbn) (Entered: 04/05/2019)
04/11/2019	<u>72</u>	ORDER: The Court ORDERS that Defendants' <u>55</u> Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART, and Defendants shall inform the Court by April 25, 2019, how they intend to proceed on the remaining search issue discussed in the Memorandum Opinion. Signed by Judge James E. Boasberg on 4/11/2019. (lcjeb3) (Entered: 04/11/2019)
04/11/2019	<u>73</u>	MEMORANDUM OPINION re <u>72</u> Order on Defendants' Motion for Partial Summary Judgment. Signed by Judge James E. Boasberg on 4/11/2019. (lcjeb3) (Entered: 04/11/2019)
04/11/2019		Set/Reset Deadlines: Defendants shall inform the Court how they intend to proceed on the remaining search issue discussed in the Memorandum Opinion by 4/25/2019. (znbn) (Entered: 04/12/2019)
04/22/2019	<u>74</u>	RESPONSE TO ORDER OF THE COURT re <u>72</u> Order on Motion for Partial Summary Judgment, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> 2nd Declaration of Ethan Ontjes)(Cirino, Paul) (Entered: 04/22/2019)
04/23/2019		MINUTE ORDER: In light of EOUSA's <u>74</u> Response, the Court ORDERS that if Plaintiff still challenges the adequacy of EOUSA's search, he shall file by May 7, 2019, a brief setting forth such challenge; in its absence, the Court will grant summary judgment on the search. So ORDERED by Judge James E. Boasberg on 4/23/2019. (lcjeb3) (Entered: 04/23/2019)
04/23/2019	<u>75</u>	RESPONSE re <u>70</u> MOTION for Partial Summary Judgment filed by GREGORY BARTKO. (Attachments: # <u>1</u> Attach A POGO Report, # <u>2</u> Attach B GAO Report Dec 2014, # <u>3</u> Attach C GAO Report Jan 2001, # <u>4</u> Attach D Complaint Apr 2012, # <u>5</u> Attach E CPI Report, # <u>6</u> Attach F OPR 42 OPR 43, # <u>7</u> Attach G Birney Memorandum, # <u>8</u> Attach H OPR Counsel Review, # <u>9</u> Attach I 23 pages of results, # <u>10</u> Response to EOUSA Statement of Undisputed Facts)(BARTKO, GREGORY) (Entered: 04/23/2019)
04/23/2019	<u>76</u>	Cross MOTION for Summary Judgment <i>Against the EOUSA</i> by GREGORY BARTKO (BARTKO, GREGORY) (Entered: 04/23/2019)
04/23/2019		Set/Reset Deadlines: Brief due by 5/7/2019. (znbn) (Entered: 04/24/2019)
05/02/2019	<u>77</u>	SUPPLEMENTAL MEMORANDUM to re <u>55</u> MOTION for Partial Summary Judgment <i>Plaintiff Supplemental Memorandum Supporting Challenge to Adequacy of EOUSA Search for Archived Email</i> filed by GREGORY BARTKO. (BARTKO, GREGORY) (Entered: 05/02/2019)
05/03/2019		MINUTE ORDER: If the Government wishes to respond to Plaintiff's <u>77</u> Supplemental Memorandum regarding search, the Court ORDERS that it shall file such response by May 16, 2019. So ORDERED by Judge James E. Boasberg on 5/3/2019. (lcjeb3) (Entered: 05/03/2019)

05/03/2019		Set/Reset Deadlines: Responses due by 5/16/2019. (znbn) (Entered: 05/03/2019)
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